

In the Matter of )  
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Affordable Connectivity Program ) WC Docket No. 21-450

Viasat applauds the Commission’s efforts to expedite the availability of support through the Affordable Connectivity Program. As a leading provider of satellite broadband services in the United States, Viasat understands the vital importance of affordable broadband connectivity and agrees with Chairwoman Rosenworcel that “no one should have to choose between paying a broadband bill and paying rent or buying groceries.”<sup>2</sup> Viasat also agrees that high enrollment in the Emergency Broadband Benefit (“EBB”) Program—the precursor to the Affordable Connectivity Program—demonstrates that “there is consumer demand and consumer need for a broadband affordability program” even beyond the COVID-19 pandemic.<sup>3</sup>

<sup>1</sup> See Public Notice, *Wireline Competition Bureau Seeks Comment on the Implementation of the Affordable Connectivity Program*, WC Docket No. 21-450, DA 21-1453 (rel. Nov. 18, 2021) (“ACP Public Notice”).

<sup>2</sup> Statement of Commissioner Jessica Rosenworcel on FCC Seeking Comment on Emergency Broadband Benefit (Jan. 4, 2021), <https://docs.fcc.gov/public/attachments/DOC-369042A1.pdf>.

<sup>3</sup> Remarks of FCC Acting Chairwoman Jessica Rosenworcel, Open Technology Institute Webinar, “Inside the FCC’s New Program to Help Pell Grant Students Pay for Internet,” Jun. 29, 2021, <https://docs.fcc.gov/public/attachments/DOC-373673A1.pdf>.

Satellite broadband services are ideally positioned to help the Commission reach its goal of expeditiously connecting more households. As the Commission has found, “[s]atellite broadband providers” like Viasat “play a role in closing the digital divide in the United States” by providing connectivity in areas that are not otherwise served and offering high-quality, competitively priced alternatives in areas where terrestrial services exist.<sup>4</sup> Indeed, Viasat already is a proud participant in the EBB Program, offering discounted services to eligible households within its footprint. Viasat likewise stands ready to leverage its existing network and services to facilitate the Commission’s implementation of the Affordable Connectivity Program.

Viasat appreciates the Commission’s efforts to adopt a regulatory framework for the Program that will allow consumers to use available support to access vital broadband services without unnecessary delay. Viasat believes that this objective, and the other objectives reflected in the Infrastructure Act, can best be achieved through policies that promote broad participation by providers, encourage marketplace competition, and enhance consumer choice—all of which promote affordability and therefore near-term adoption. In addition to the obvious benefits to consumers, such policies would help ensure that funds are disbursed and used efficiently and effectively—a goal that dovetails with the Commission’s desire to more generally implement responsible rules that limit waste, fraud, and abuse.<sup>5</sup>

As it transitions to the Affordable Connectivity Program, the Commission can and should build on successful aspects of the EBB Program. In particular, the Commission should continue to define covered services and equipment in a technology-neutral manner that gives eligible households flexibility to choose supported offerings that meet their particular needs. The

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<sup>4</sup> *2020 Communications Marketplace Report*, Report, 36 FCC Rcd 2945 ¶ 98 (2020).

<sup>5</sup> See, e.g., *ACP Public Notice* ¶¶ 15, 16, 20.

Commission’s earlier decision to adopt “a broad, technologically neutral approach to provider participation” in the EBB Program<sup>6</sup> remains sound policy, and nothing in the Infrastructure Act evinces any congressional intent to diverge from this sensible and successful approach in transitioning to the Affordable Connectivity Program.

For similar reasons, the Commission should continue its prior decision *not* to impose minimum service standards that would artificially limit program participation, service availability, and consumer choice—and thereby make broadband service less affordable and accessible.<sup>7</sup> The need to connect low-income households to broadband services remains urgent, and militates strongly in favor of continuing policies that maximize the options available to consumers while empowering them to identify and select supported services that best meet their needs. This approach is also fully consistent with the Infrastructure Act, which “adds a new requirement that a participating provider ‘shall allow an eligible household to apply the affordable connectivity benefit to *any* internet service offering of the participating provider’”<sup>8</sup>—reflecting Congress’s clear intent to allow consumers to apply available support to a broad array of available service offerings.

More broadly, Viasat urges the Commission to implement the Affordable Connectivity Program in a way that reduces barriers to provider participation while at the same time ensuring that consumers are protected from abusive practices. As the Commission evaluates potential program rules—including by considering additional requirements that go beyond those

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<sup>6</sup> *Emergency Broadband Benefit Program*, Report and Order, 36 FCC Rcd 4612 ¶ 12 (2021).

<sup>7</sup> *Id.* ¶ 74 (noting that the authorizing statute “does not indicate [c]ongressional intent” to apply “minimum service standards,” and that refraining from imposing such standards would “maximize consumer choice”); *see also* *ACP Public Notice* ¶ 54.

<sup>8</sup> *ACP Public Notice* ¶ 53 (emphasis added) (quoting Infrastructure Act, div. F, tit. V, sec. 60502(a)(3)(B)(ii), § 904(b)(7) (2021)).

contemplated by Congress—it should be mindful that the costs and constraints associated with those requirements may undermine the Commission’s efforts to promote robust program participation and broadband adoption.<sup>9</sup> In contrast, there may be significant benefits in affording providers flexibility to structure their offerings and business processes in an efficient manner—albeit within the bounds prescribed by the Infrastructure Act, which already includes a variety of reasonable consumer protection provisions.<sup>10</sup>

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The Affordable Connectivity Program represents an important and timely tool with which the Commission can build on the successes of the EBB Program to enable low-income households to obtain or maintain access to broadband. Viasat looks forward to working with the Commission and other stakeholders to successfully implement the Program in a manner consistent with these comments.

Respectfully submitted,

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/s/  
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<sup>9</sup> By the same token, where the Commission does impose additional program requirements, it should do so in a manner that minimizes unnecessary burdens and maximizes program participation. For instance, to the extent that the Commission adopts new reporting obligations for participating providers—such as the proposed requirement to submit “statistics on subscribers’ usage of plan features,” *ACP Public Notice* ¶ 120—it should permit providers to report such competitively sensitive information on a confidential basis.

<sup>10</sup> *See, e.g.*, Infrastructure Act, div. F, tit. V, sec. 60502(a)(3)(B)(ii), § 904(b)(11)(A)(i) (2021) (prohibiting “inappropriate upselling or downselling by a participating provider” and other unreasonable practices).